IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.4438 OF 2006
in
INCOME TAX APPEAL (L) NO.2165 of 2006
in
INCOME TAX APEAL NO. OF 2006

The Commissioner of Income Tax TDS Mumbai .. Appellant

vs

M/s Nagase & Co Ltd .. Respondent

Mr.A.D.Kango for Appellant

Ms.L.H.Lund with Ms.Lata Desai for Respondent

CORAM : F.I.REBELLO AND
R.S.MOHITE, JJ

DATED : 4TH DECEMBER, 2007

P.C.

1. This is a Notice of Motion for condoning 646 days delay in filing of the aforesaid Income Tax Appeal. A perusal of the affidavit in support of the Notice of Motion indicates that after the passing of the impugned order, the case papers were sent to the Ministry of Law and Justice on 122/12/2004. The affidavit indicates that the same was received back on 1/12/2006 unattended. In our view, the delay between the period 22/12/2004 and 1/12/2006 is not explained. Therefore, the cause shown is not sufficient cause. As a result, the Notice of Motion is dismissed.

(F.I.Rebello, J)

(R.S.Mohite, J)